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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Gary D Carter, et al.,

10 Plaintiffs,

11 v.

12 Treasure Island LV LLC, et al.,

13 Defendants.  
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No. CV-24-01597-PHX-MTL

**ORDER**

15 Plaintiffs bring this action against Defendant Treasure Island LV LLC for injuries  
16 and damages suffered while they were gambling in Las Vegas, Nevada. Defendant moves  
17 to transfer venue to the United States District Court for the District of Nevada. The motion  
18 is fully briefed and neither party requested oral argument. The motion will be granted.

19 Section 1404(a) of Title 28 of the United States Code provides that, “[f]or the  
20 convenience of parties and witnesses, in the interest of justice, a district court may transfer  
21 any civil action to any other district or division where it might have been brought.” *Id.*  
22 District courts have “discretion to adjudicate motions for transfer according to an  
23 individualized, case-by-case consideration of convenience and fairness.” *Jones v. GNC*  
24 *Franchising, Inc.*, 211 F.3d 495, 498 (9th Cir. 2000) (citing *Stewart Org. v. Ricoh Corp.*,  
25 487 U.S. 22, 29 (1988)) (internal quotation marks removed). When analyzing whether  
26 transfer is appropriate, the Court performs a two-step analysis: first, it determines “whether  
27 the case could have been brought in the forum to which the moving party seeks to transfer  
28 the case,” and second, “whether the proposed transferee district is a more suitable choice

1 of venue based upon the convenience of the parties and witnesses and the interests of  
2 justice.” *R. Prasad Indus. v. Flat Irons Env’t Sols. Corp.*, No. 12-CV-08261-PCT-JAT,  
3 2017 WL 4409463, at \*2-3 (D. Ariz. Oct. 4, 2017) (internal quotation marks and citations  
4 removed).

5 This action could have been brought in Nevada. Defendant Treasure Island LV LLC  
6 is domiciled in Nevada, and it operates its gaming resort there. Plaintiffs claim injury from  
7 events that took place on the resort property.

8 The Court also finds that Nevada is the more suitable forum for the adjudication of  
9 this action, based on the convenience of parties and witnesses as well as the interests of  
10 justice. The only real connection that this lawsuit has with Arizona is that Plaintiffs are  
11 residents here. Besides that, all the participants in the event are likely domiciled in Nevada.  
12 It is very likely that witnesses are either Nevada residents or residents of other states  
13 visiting the resort. As Defendant points out in its reply brief, “[t]he percipient witnesses to  
14 the events (i.e. the hotel staff, security, surveillance, police, paramedics, and any other  
15 witnesses) are located in Nevada.” (Doc. 8 at 3)

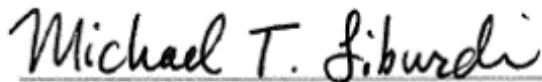
16 Plaintiffs’ theory that general personal jurisdiction exists in Arizona based on  
17 Defendant’s online marketing activity that is accessible in Arizona is not recognized as  
18 valid. *See Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 801 (9th Cir. 2004)  
19 (“an internet website accessible by anyone capable of using the internet, including people  
20 living in California” does not constitute “continuous and systematic” contacts warranting  
21 general personal jurisdiction). Plaintiffs’ argument that venue is appropriate here because  
22 their physicians reside in Arizona is not credible either. Defendant’s argument that these  
23 medical providers can participate in the litigation remotely is well-taken. Their residency  
24 is not enough to overcome the facts that most other witnesses are in Nevada, that Defendant  
25 resides in Nevada and operates its business there, and the events giving rise to this lawsuit  
26 occurred in Nevada. Treating physicians often reside in a state other than the one where  
27 litigation is filed.

28 . . . .

1           **IT IS THEREFORE ORDERED** that Defendant's Motion for Change of Venue  
2 (Doc. 6) is **GRANTED**.

3           **IT IS FURHTER ORDERED** that the Clerk of Court must transfer this action to  
4 the United States District Court for the District of Nevada and administratively close this  
5 case.

6           Dated this 3rd day of September 2024.

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10           Michael T. Liburdi  
11           United States District Judge  
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